

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS


MICHAEL J. HYDE,)
Plaintiff)
v.)
NORFOLK COUNTY)
SHERIFF'S OFFICE, ET AL)
Defendants)

CIVIL ACTION NO.
04-12429RWZ

MOTION FOR LEAVE TO LATE FILE MOTION TO DISMISS

The defendants, State Troopers Paul Baker and Rachel Ruthier, respectfully move this court for leave to late file a motion to dismiss in the above captioned matter. As grounds, the defendant's counsel states that in addition to the length and scope of the amended complaint, Trooper Baker has been unavailable due to an injury in the line of duty, and Trooper Ruthier has been on family and medical leave act leave from duty, and therefore unavailable.

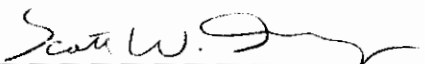
Respectfully submitted,
For the Defendants, Paul Baker and
Rachel Ruthier


Scott W. Dunlap (BBO# 634389)
Law Offices of Timothy M. Burke
160 Gould Street, Suite 111
Needham, MA 02494
(781) 455-0707

Dated: October 28, 2005

Robert W. Harnais
General Counsel
Norfolk County Sheriff's Office
200 West Street, P.O. Box 149
Dedham, MA 02027

Respectfully submitted this 28st day of October, 2005



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CERTIFICATE OF SERVICE

I, Scott W. Dunlap, hereby certify that on the 28st day of October, 2005, I caused to be served copies of the Motion for Leave to Late File a Motion to Dismiss, Motion to Dismiss, Memorandum of Law in Support of Motion to Dismiss and List of Exhibits by first-class U.S. mail, postage prepaid to:

Plaintiff

Michael J. Hyde
148 Brickel Road
Stoughton, MA 02072

Counsel for Defendants State of Massachusetts, Clerk-Magistrate of Dedham District Court Salvatore Paterna, Dedham District Court Judge Thomas Connors, District Attorney Jason Bolio, County Assistant District Attorney Max Pearlman, Edward A. Flynn Massachusetts Office of Public Safety, Tom Reiley Attorney General of Massachusetts and Mitt Romney Governor of Massachusetts

Annette Benedeto
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Counsel for Defendant Norfolk County Sheriff's Office, Massachusetts State Police Crime Lab, Carl Selavka Director of the MA State Police Crime Lab and Bob Pino CODIS Administrator of the MA State Police Crime Lab